

HOUSE No. 4261

The Commonwealth of Massachusetts

PRESENTED BY:

Sheila C. Harrington

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the charter and the town clerk in the town of Groton.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Sheila C. Harrington</i>	<i>1st Middlesex</i>	<i>11/9/2021</i>

HOUSE No. 4261

By Mrs. Harrington of Groton, a petition (accompanied by bill, House, No. 4261) of Sheila C. Harrington (by vote of the town) relative to the charter and the town clerk in the town of Groton. Municipalities and Regional Government. [Local Approval Received.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to the charter and the town clerk in the town of Groton.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, the office of
2 town clerk in the town of Groton shall be appointed by the select board in accordance with the
3 charter of the town of Groton. The town clerk shall have all the powers, perform the duties and
4 be subject to the liabilities and penalties conferred and imposed by law on town clerks. The town
5 manager may establish an employment contract with the town clerk for salary, fringe benefits
6 and other conditions of employment, including, but not limited to, severance pay, reimbursement
7 for expenses incurred in the performance of the duties of office, liability insurance and
8 conditions of discipline, termination, dismissal, reappointment, performance standards and leave.

9 SECTION 2. Notwithstanding section 1, the position of elected town clerk shall be
10 abolished upon the effective date of this act and the term of the elected incumbent terminated
11 provided, however, that the elected incumbent shall then become the first appointed town clerk
12 and shall serve in that capacity for a period of time equivalent to the remainder of the elected

13 term or sooner resignation, retirement or removal. Thereafter, appointments to the position of
14 town clerk shall be made by the select board under said section 1.

15 SECTION 3. The charter of the town of Groton, which is on file in the office of archivist
16 of the commonwealth as provided in section 12 of chapter 43B of the General Laws, is hereby
17 amended by striking out section 3.1.1, section 3.9, section 3.10, section 3.11, and section 4.5.1,
18 and inserting in place thereof the following sections:

19 3.1.1 Elective Town Offices- The town offices that the voters shall fill by ballot shall be:
20 (i) the town moderator; (ii) the members of the select board; (iii) the town's component of the
21 Groton-Dunstable Regional School Committee; (iv) the commissioners of trust funds; (v) the
22 elected members of Groton Housing Authority; (vi) the members of the planning board, public
23 library board of trustees, Groton electric light commissions, Groton water commission, Groton
24 sewer commission, park commission, board of health and board of assessors; and (vii) other
25 officers or representatives to regional authorities or districts as may be established by law or by
26 interlocal agreement that shall also be filled by ballot at a town election.

27 3.2.4 Appointing Authority – The select board shall appoint the town manager, town
28 counsel, a zoning board of appeals and a board of registrars. The select board shall appoint a
29 police chief, fire chief and town clerk consistent with clause (v) of section 4.2; provided,
30 however, that the police chief shall serve under section 97A of chapter 41 of the General Laws
31 and the fire chief shall serve under section 42 of chapter 48 of the General Laws. The select
32 board shall appoint a conservation commission, council on aging, housing partnership, local
33 cultural council and other committees as required by law, by-law or town meeting vote.

34 Section 3.9; Board of Assessors

35 3.9.1 Composition, Term of Office and Eligibility for Office – There shall be a board of
36 assessors that shall consist of 3 members elected for 3-year terms. An employee in the assessors’
37 office shall not simultaneously hold an elected position as a member of the board of assessors.

38 3.9.2 Powers and Duties – The board of assessors shall have the powers and duties given
39 to boards of assessors under the constitution and laws of the commonwealth and directives of the
40 commissioner of revenue and such additional powers and duties may be authorized by this
41 charter, by-law or town meeting vote that are not in conflict with laws of the commonwealth and
42 regulations and directives of the department of revenue except as otherwise provided in this
43 charter.

44 Section 3.10: Other Elected Officers

45 Powers and Duties – All other elected officers shall have the powers and duties that have
46 been conferred upon their offices by law, this charter, by-law or town meeting.

47 4.2(v) if a vacancy occurs in the office of police chief, fire chief or town clerk, selecting
48 and presenting not less than 2 qualified candidates to the select board for appointment by the
49 board to the office pursuant to section 3.2.4;

50 4.5.1 If a vacancy shall occur in the office of town manager, a screening committee shall
51 be established to solicit, receive and evaluate applications for the position of town manager. The
52 screening committee shall consist of 7 persons, 3 of whom shall be designated by the select
53 board, of which only 1 may be a select board member, 2 of whom shall be designated by the
54 finance committee, of which only 1 may be a member of the finance committee, and 2 of whom
55 shall be designated by the town moderator. A person chosen by an appointing authority may be a
56 member of the appointing authority’s agency; provided, however, that there shall not be more

57 than 1 select board member and not more than 1 member of the finance committee on the
58 screening committee.

59 SECTION 4. This act shall take effect upon its passage.

60 SECTION 5. This act shall be submitted for acceptance to the voters of the town of
61 Groton at an annual or special town election in the form of the following question which shall be
62 placed on the ballot: Shall an act passed by the general court in the year 20__, entitled "An Act
63 Relative to the Charter and the Town Clerk in the Town of Groton be accepted?" If a majority of
64 the votes cast in answer to the question is in the affirmative, the voters shall be taken to have
65 accepted the amendments to the charter of the town of Groton.

66 provided, however, that the General Court may make clerical or editorial changes of form
67 only to the bill, unless the Select Board approves amendments thereto before enactment by the
68 General Court, which amendments shall be within the public purposes of said petition; or take
69 any action relative thereto.